

Docket # 2:09-cv-04546-KSH

12-16-10

Dear Hon. Katharine S. Hayden, (U.S.D.J.)

Please find enclosed a copy of my reply  
brief to N.J. Superior Court...  
Along with a copy of the state witness  
Jose Martinez, Record of his criminal  
History.

\*Also I will be sending you a copy of the  
State witness Jose Martinez illegal Memorand-  
um of understanding of fabricated  
purchased Testimony by the State Prosecutor  
office in Camden which is known to be  
corrupt. I'll send the copy as soon as I  
get it copied... Please file the above stuff.  
Thank you.

Sincerely,  
Dano T. Tokley

**KEVIN G. BYRNES**  
*Law Offices*  
**P.O. BOX 756**  
Lambertville, New jersey, 08530  
(609) 921-0996

ADMITTED TO:  
NEW JERSEY BAR  
CALIFORNIA BAR

January 28, 2002

Peter A. Garcia, Esq.  
Acting Public Defender  
Attorney for Defendant-Appellant  
31 Clinton Street  
Newark, New Jersey 07102

Kevin G. Byrnes, Esq.  
Designated Counsel

STATE OF NEW JERSEY  
Plaintiff-Respondent

v.

DANA T. TOKLEY  
Defendant-Appellant

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION

DOCKET NO. A-4725-99T4  
Criminal Action

On Appeal from Judgment of  
Conviction in the Superior Court, Law  
Division, Camden County

Sat Below: Hon. Linda Rosenzweig,  
J.S.C., and a jury

**REPLY LETTER BRIEF  
ON BEHALF OF DEFENDANT-APPELLANT**

Honorable Judges:

Please accept this letter brief in lieu of a formal brief in the above-captioned matter.

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#### **PROCEDURAL HISTORY**

The defendant adopts by incorporation the procedural history in his appellate brief.

#### **STATEMENT OF TRIAL FACTS**

The defendant adopts by incorporation the statement of facts in his appellate brief. The defendant notes an error in the State's brief in which it indicates that "defendant admitted that he, Rosario, and a third individual were in a bar on April 1<sup>st</sup>, 1997, and discussed killing defendant." (sb 12-13). Obviously, the State had intended to say that Martinez admitted that he, Rosario, and a third individual were in a bar on April 1<sup>st</sup>, 1997, and discussed killing defendant.

**POINT I**

EVIDENCE THAT THE DEFENDANT COMMITTED THE OTHER CRIME OF MURDER WAS EXTRAORDINARILY PREJUDICIAL AND SHOULD NOT HAVE BEEN CONSIDERED BY THE JURY DECIDING WHETHER THE DEFENDANT COMMITTED THE VIOLENT CRIME OF ARMED ROBBERY

The State elicited extraordinarily prejudicial evidence from its own witness that the defendant had murdered Elliot Rosario. (3T 90-18 to 91-6).<sup>1</sup> The defendant was not on trial for the murder of Elliot Rosario or anyone else for that matter. He was, however, on trial for the violent crime of robbery while armed with a deadly weapon.

In its respondent's brief, the State claims that the "testimony was not intentionally elicited." (sb 14). Whether the State acted intentionally, recklessly, or negligently does not in any way mitigate the prejudicial effect of the other-crime evidence. The State focused on the *mens rea* of the prosecutor and did not address the critical issue on appeal: the prejudicial effect on the jury.

Interestingly, the State provided the Appellate Division with not a single citation either in this jurisdiction, the federal jurisdiction, or any state

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<sup>1</sup> 1T designates proceedings on December 7, 1999 (Vol. 1).  
2T designates proceedings on December 7, 1999 Vol. II).  
3T designates proceedings on December 8, 1999.  
4T designates proceedings on December 9, 1999 (Vol I).  
5T designates proceedings on December 9, 1999 (Vol II).  
6T designates sentencing on April 3, 2000.

jurisdiction in this country in which a reviewing court affirmed a criminal conviction for a violent offense when part of the State's evidence was that the defendant committed an unrelated crime of murder.

Moreover, the State contends that Martinez's testimony that Dana Tokley "killed [Rosario] in front of my face" (3T 90-7 to 91-7) was not "other-crime evidence." (sb 10). Any evidence showing that the defendant at some other time committed a crime that is not contained in the indictment is other-crime evidence. Regardless of whether the evidence that Dana Tokley murdered Elliot Rosario is characterized as other-crime evidence, *res gestae* evidence, not other-crime evidence, or anything else, the fact remains that the prejudice was overwhelming.

The defendant was being tried for the very violent crime of robbery while armed with a gun. If a person is capable of disregarding the law and the norms to such an extent that he or she is a murderer, that person is clearly capable of disregarding laws prohibiting robberies. In fact, the jurors themselves might have felt an obligation to the community and to their children to deprive a murderer of his freedom regardless of how tenuous and suspect the State's evidence was on the robbery charge.

The State also contends that the trial court's admission of the murder evidence with an instruction was "a

proper exercise of the court's discretion and in no way obligated the defendant to undertake any particular action or defense strategy." (sb 11). Seven pages later in its brief, however, the State indicates that "the court also recognized that Martinez's testimony was highly probative of his bias against and hostility toward defendant, thus affecting his credibility as a witness." (sb 18). The trial court did precisely what the State claims that the court did not do: effectively devise defense strategy. Trial counsel, not the trial court, should be making decisions about whether to proffer evidence of bias and hostility toward a defendant when that same evidence will disclose that the defendant is a murderer.

The State also makes the remarkable claim that "the court's actions herein did not result in any injustice but indeed were done in order to prevent prejudice to defendant." (sb 19). In other words, the State is contending that the trial court prevented prejudice to the defendant by admitting evidence in an armed robbery trial that the defendant committed murder. Defendants can only hope that trial courts in other cases do not seek to prevent prejudice in any similar manner.

Finally, the prosecutor uses the plain error standard to assess whether the defendant is entitled to a new trial. The State claims that the admission of the evidence that



Dana Tokley murdered Elliot Rosario "was not capable of producing an unjust result." (sb 21). This is precisely the same standard that the court uses when there is no objection to evidence that is improperly admitted. *State v. Hock*, 54 N.J. 26 (1969); *State v. Conklin*, 54 N.J. 540 (1969); R. 2:10-2. In the case at bar, however, not only was there an objection, there was a mistrial motion. How the inclusion of a mistrial motion accompanying an objection raises the standard of review from reversible error to plain error requires some clarification. Since there was an objection, the proper standard of review is whether the State can prove beyond a reasonable doubt that the error did not affect the verdict. *Chapman v. California*, 386 U.S. 18 (1967). The State cannot meet this rigorous burden of proof.

The only evidence against Dana Tokley was the testimony of Jose Martinez, which was purchased by the State in exchange for a reduction of a life sentence to eight years. Under these circumstances, the State could not prove beyond a reasonable doubt that any error did not affect the outcome of the trial, let alone an error of this magnitude.

**POINT II**

**THE ADMISSION OF YET ADDITIONAL OTHER-CRIME EVIDENCE  
CONNECTING THE DEFENDANT TO A DRUG DISTRIBUTION RING WAS  
ERRONEOUS AND HIGHLY PREJUDICIAL**

The State contends that Martinez's testimony connecting the defendant to a drug distribution ring was not other-crime evidence because "it was not deliberately elicited by the State nor was sought to be introduced to establish defendant's disposition to commit a crime, citing *N.J.R.E.* 404(b)." (sb 22). Again, the State focused its argument on whether the other-crime evidence had been "deliberately elicited" by the prosecutor. (sb 22). The *mens rea* of the prosecutor does not determine the boundaries of other-crime evidence nor its prejudicial effect. Once other-crime evidence is admitted and the trial court instructs the jurors that they may base their findings on the evidence and the reasonable inferences that may be drawn from the evidence, a jury may reasonably infer a criminal disposition from that other-crime evidence. The mere admission of evidence that the defendant perpetrated crimes not contained in the indictment without restricting the jurors' use of that evidence to establish a criminal disposition is a clear violation of *N.J.R.E.* 404(b). A prosecutor's intent does not, in itself, prevent the jury from drawing a criminal disposition inference from the other-crime evidence on its own. Essentially, the jury was

deliberating on the fate of a murderer/drug distributor when deciding his guilt or innocence on the crime for which he stood trial: robbery while armed.

The State argues that even assuming that the court did err in admitting evidence that the defendant was part of a drug distribution ring, "said error was harmless in light of the court's final jury charge, which, *inter alia*, thoroughly instructed the jurors of the defendant's entitlement to the presumption of innocence and the State's burden of proving each element of the charged offense beyond a reasonable doubt." (sb 26). Repeated instructions on the presumption of innocence and the State's burden of proving each element of the offense beyond a reasonable doubt did nothing to mitigate the prejudice to the defendant. The admission of evidence that the defendant was involved in a drug distribution ring established a criminal disposition that helped to rebut the presumption of innocence and helped the State to meet its burden of proof. Instructing the jurors on the constitutional standards and burdens that govern the trial did not, in any way, prevent the jurors from drawing improper, adverse inferences against the defendant as a result of the improper admission of the other-crime evidence. After hearing evidence that the defendant was both a murderer and a drug distributor, it is unclear how any juror could allow

him to walk out the courthouse doors a free person to resume his purported criminal lifestyle regardless of the paucity of the State's proofs.

Finally, any error is harmful in a situation in which the State's only evidence is the purchased testimony of a criminal whose sentence is reduced from life to eight years.

### POINT III

THE TRIAL COURT'S INSTRUCTIONS ON ROBBERY, ACCOMPLICE LIABILITY, AND ACCOMPLICE/WITNESS TESTIMONY WERE DEFICIENT, INCOMPLETE, ERRONEOUS, AND PREJUDICIAL

In the case at bar, the defendant was charged with robbery while armed, but only one of the two participants possessed a weapon. Consequently, the jurors were compelled to find whether the defendant perpetrated a robbery while he was actually armed or whether he shared accomplice liability with a principal who was armed. Under these circumstances, it was imperative that the trial court give the jurors the option of finding that the defendant was not armed and that he did not share the principal's intent to use or possess a firearm.

The State makes two arguments: first, counsel's failure to object indicates that the charge was proper; and second, trial counsel did not request a lesser-included instruction when given the opportunity. The prosecutor contends that "It is also possible, if not probable, that defendant's counsel chose to do this for strategical reasons." (sb 31). The failure of trial counsel to object to the robbery instruction and to requesting a lesser-included instruction on armed robbery is indicative of deficient representation, not strategy. In fact, the State's own brief highlights counsel's misunderstanding of the law of armed robbery in the context of accomplice

liability. "Mr. GRIFFITH: Whether he was a participant. I won't insult the jury by arguing there wasn't an armed robbery. It's clear." (sb 30).

Obviously, trial counsel was not devising strategy but was misconstruing the law as justification for not requesting an instruction on the lesser-included offense. Just because there was an armed robbery does not mean in this case that the defendant is either guilty of armed robbery or not guilty. The presence of a second participant and the fact that only one participant was armed with a weapon raises the issue that the unarmed accomplice might or might not have shared the principal's intent to possess and use that weapon during the commission of a robbery. That should have been a jury question of fact based on complete and accurate instructions on the lesser-included offense of unarmed robbery and accomplice liability.

The State Supreme Court has made it clear that the trial court, not defense attorneys, decides whether to instruct on lesser-included offenses: "The judge is more than a referee between contestants. He is the law's representative, and it is *his duty* to see that the will of the law is done." (Italics added). *State v. Powell*, 84 N.J. 319 (1980). In *State v. Choice*, 98 N.J. 295 (1985), the State High Court modified *Powell* and permitted defense

objection but only when the defense showed unfair surprise and prejudice. How unfair surprise and prejudice is demonstrated in a record where unfair surprise and prejudice had not even been discussed is not entirely clear.

Finally, the State contends that the absence of a witness/accomplice instruction was harmless error. (sb 39). The State argues that trial counsel raised the issue of Martinez's lack of credibility in his summation. Moreover, the trial court gave the jury a general instruction on witness credibility. (sb 38-39). Trial counsel's argument to the jury is a poor substitute for accurate and complete jury instructions. The jurors may disregard counsel's arguments, but they may not disregard the trial court's instructions. Furthermore, Martinez's credibility was the entire State's case. The defendant was entitled to have the jurors evaluate Martinez's testimony with caution as a result of his accomplice/witness status. (See DB 46-47). Once again, the State relies on a harmless error analysis, but there are just so many errors that can occur before they cease being harmless. If the State produced additional eyewitness testimony, forensic evidence, a confession, or any other corroborative evidence other than the testimony of a criminal who is given a reduction of sentence from life to eight years in exchange for his

testimony, the State might have a point. On the basis of the State's proofs, however, no error reasonably can be deemed to be harmless.



**POINT IV**

THE STATE'S SOLE RELIANCE UPON THE TESTIMONY OF A CRIMINAL  
WHOSE SENTENCE WAS REDUCED FROM LIFE TO EIGHT YEARS AS  
BARTER FOR HIS TESTIMONY VIOLATED THE DEFENDANT'S RIGHT TO  
DUE PROCESS

In its respondent's brief, the State argues that it "never requested Martinez to fabricate his testimony; nor did it provide any incentives for him to do so." (sb 40). Obviously, there was not only an incentive but a massive incentive to fabricate testimony. Martinez does not get the benefit of a reduction of his sentence from a life term to eight years without testifying against the defendant.

There was no allegation in the counsel's appellate brief that the prosecutor knew that Martinez was testifying falsely and worked out an arrangement to secure false testimony knowingly. Counsel's appellate brief did not allege that any particular prosecutor is corrupt; rather, it is the process of bartering liberty for evidence that is corrupt.

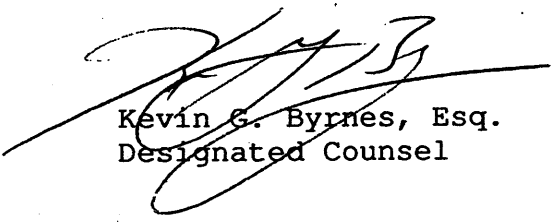
**CONCLUSION**

For all of the foregoing reasons, the defendant submits that the judgment of conviction should be vacated and the matter should be remanded for a new trial.

Respectfully submitted,

Peter A. Garcia, Esq.  
Acting Public Defender

January 28, 2002



Kevin G. Byrnes, Esq.  
Designated Counsel

2002 / 1 / 28



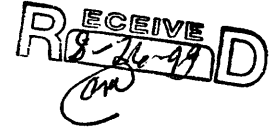
**LEE A. SOLOMON**  
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**JAMES P. LYNCH**  
FIRST ASSISTANT PROSECUTOR

**HAROLD KASSELMAN**  
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(609) 225-8400 Fax: (609) 963-0080



August 24, 1999

Scott Griffith, Esquire  
1600 Market Street  
Philadelphia, Pa. 19103

**RE: STATE V. DANA TOKLEY**  
**INDICTMENT NOS. 83-1-99 & 246-1-99**

Dear Mr. Griffith:

Please find enclosed the following discovery for the above defendant:

1. Criminal History of Jose Martinez.

I will consider your request satisfied, unless I hear from you.

Very truly yours,

Michelle L. Corea  
Assistant Prosecutor

MLC:ms

Enc.

NEW JERSEY CRIMINAL HISTORY DETAILED RECORD

PAGE 001

USE OF THIS RECORD IS GOVERNED BY FEDERAL AND STATE REGULATIONS. UNLESS FINGERPRINTS ACCOMPANIED YOUR INQUIRY, THE STATE BUREAU OF IDENTIFICATION CANNOT GUARANTEE THIS RECORD RELATES TO THE PERSON WHO IS THE SUBJECT OF YOUR REQUEST. USE OF THIS RECORD SHALL BE LIMITED SOLELY TO THE AUTHORIZED PURPOSE FOR WHICH IT WAS GIVEN AND IT SHALL NOT BE DISSEMINATED TO ANY UNAUTHORIZED PERSONS. TO ELIMINATE A POSSIBLE DISSEMINATION VIOLATION AND TO COMPLY WITH FUTURE EXPUNGEMENT ORDERS, THIS RECORD SHALL BE DESTROYED \*IMMEDIATELY\* AFTER IT HAS SERVED ITS INTENDED AND AUTHORIZED PURPOSES. ANY PERSON VIOLATING FEDERAL OR STATE REGULATIONS GOVERNING ACCESS TO CRIMINAL HISTORY RECORD INFORMATION MAY BE SUBJECT TO CRIMINAL AND/OR CIVIL PENALTIES. THIS RECORD IS CERTIFIED AS A TRUE COPY OF THE CRIMINAL HISTORY RECORD INFORMATION ON FILE FOR THE ASSIGNED STATE IDENTIFICATION NUMBER.

STATE ID NO. 465486B      FBI NO. 88871JA0      DATE REQUESTED 08/20/1999  
NAME: MARTINEZ, JOSE L.

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE
M	W	09/26/1969	603	180	BRO	BRO	NJ

RECEIVING AGENCY: NJ004023A U.S. CITIZEN: YES

FPC: AAAA030504AAAATT0505 AFIS NO: 985134 III: MULTI STATE

ALIAS NAMES/OTHER BIRTH DATES

MARTINEZ, JOSE 09/09/1965

MARTINEZ, JOSE 09/25/1965

SOCIAL SECURITY NUMBERS

014-60-1939

SCARS/MARKS/TATTOOS/MISC NUMBERS

TATTOO LEFT HAND

TATTOO UPPER RIGHT A

CURRENT ADDRESS

101 E CAMDEN AVE MOORESTOWN NJ

PAGE TO FOLLOW

SBI: 465486B RECEIVING AGENCY: NJ004023A DATE: 08/20/1999 PAGE 002

\*\*\*\*\* ARREST 001 \*\*\*\*\*  
ARRESTED 02/26/1988 AGENCY CASE NO: A2218805  
AGENCY: NJNSP0311 A-TACTICAL PATROL UNIT #1 BURLINGTON  
001 CNT NJ2C20-7 POSSESS STOLEN VEH

INDICTMENT/ACCUSATION

NO: I447-88

AGENCY: NJ003013J

DISPOSITION DATE: 05/08/1990

BURLINGTON CO SUPERIOR CRT

DISPOSITION: GUILTY

001 CNT: NJ2C20-7A

DEG: 0

RECEIV STOLEN PROP

AGGREGATE SENTENCE      DATE: 05/08/1990  
 COURT: NJ003013J      BURLINGTON CO SUPERIOR CRT  
 CONFINEMENT      3Y  
 INCARCERATION: NEW JERSEY SP      JAIL TIME CREDIT 14D

\*\*\*\*\* ARREST 002 \*\*\*\*\*  
 ARRESTED 03/10/1988      AGENCY CASE NO: 68444  
 AGENCY: NJ0160800      PATERSON PD      PASSAIC  
 001 CNT NJ2C20-7      POSSES STOLEN PROP

SUMMONS/WARRANT  
 NO: S665533      DISPOSITION DATE: 03/21/1988  
 AGENCY: NJ016071J      MUNICIPAL COURT PATERSON

DISPOSITION: GUILTY  
 001 CNT: NJ2C20-10A      DEG:      UNAUTH USE OF VEH

DISPOSITION: GUILTY  
 001 CNT: NJ2C29-1      DEG:      OBSTRUCT

DISPOSITION: GUILTY  
 001 CNT: NJ2C29-2A      DEG:      RESISTING OFFICER

AGGREGATE SENTENCE      DATE: 03/21/1988  
 COURT: NJ016071J      MUNICIPAL COURT PATERSON  
 CONFINEMENT      30D  
 INCARCERATION: PASSAIC CTY JAIL

\*\*\*\*\* ARREST 003 \*\*\*\*\*  
 ARRESTED 05/13/1988      AGENCY CASE NO: 68444  
 AGENCY: NJ0160800      PATERSON PD      PASSAIC  
 001 CNT NJ2C35-10A4      MARIJUANA-POSSESS  
 001 CNT NJ2C35-5A1      MARIJUANA  
 001 CNT NJ2C35-7      MARIJUANA

INDICTMENT/ACCUSATION  
 NO: I1069-88      DISPOSITION DATE: 12/07/1989  
 AGENCY: NJ016013J      PASSAIC CO SUPERIOR COURT

DISPOSITION: GUILTY  
 001 CNT: NJ2C35-7      DEG: 0      MARIJUANA

AGGREGATE SENTENCE      DATE: 12/07/1989  
 COURT: NJ016013J      PASSAIC CO SUPERIOR COURT

PAGE TO FOLLOW

SBI: 465486B      RECEIVING AGENCY: NJ004023A      DATE: 08/20/1999      PAGE 003

CONFINEMENT      364D  
 INCARCERATION: PASSAIC CTY JAIL      PROBATION      5Y  
 JAIL TIME CREDIT 24D

\*\*\*\*\* ARREST 004 \*\*\*\*\*

ARRESTED 03/19/1989 AGENCY CASE NO: M15786

AGENCY: NJ0061400 VINELAND PD

CUMBERLAND

002 CNT	NJ2C12-1B	ASSLT
001 CNT	NJ2C15-1	ROBBERY
002 CNT	NJ2C17-1	ARSON
005 CNT	NJ2C18-2	BURGL
020 CNT	NJ2C20-3	LARC
004 CNT	NJ2C20-7	RECEIV STOLEN PROP
002 CNT	NJ2C39-3	CARRYING PROHIBITED
002 CNT	NJ2C39-4	POSS WEAPON
002 CNT	NJ2C39-5	POSS WEAPON
003 CNT	NJ2C5-2	CONSPIRACY TO COMMIT
		BURGL

## INDICTMENT/ACCUSATION

NO: I488-89

AGENCY: NJ006033J

DISPOSITION DATE: 10/13/1989

CUMBERLAND CO SUPERIOR COURT

## DISPOSITION: GUILTY

001 CNT: NJ2C12-1B2

DEG: 0

ASSLT

## AGGREGATE SENTENCE

DATE: 10/13/1989

COURT: NJ006033J CUMBERLAND CO SUPERIOR COURT

CONFINEMENT 12Y

INCARCERATION: NEW JERSEY SP

## INDICTMENT/ACCUSATION

NO: I597-89

AGENCY: NJ006033J

DISPOSITION DATE: 10/13/1989

CUMBERLAND CO SUPERIOR COURT

## DISPOSITION: GUILTY

001 CNT: NJ2C18-2

DEG: 0

BURGL

## AGGREGATE SENTENCE

DATE: 10/13/1989

COURT: NJ006033J CUMBERLAND CO SUPERIOR COURT

CONFINEMENT 5Y

INCARCERATION: NEW JERSEY SP

RECEIVED 11/15/1989 AGENCY CASE NO: 222636

AGENCY: NJ011045C

NEW JERSEY STATE PRISON

\*\*\*\*\* ARREST 005 \*\*\*\*\*

ARRESTED 01/09/1997 AGENCY CASE NO: 52689

AGENCY: NJ0040800 CAMDEN PD CAMDEN

OFFENSE DATE: 01/09/1997 VENUE: CAMDEN CITY

001 CNT 2C:29-2 RESISTING ARREST

\*\*\*\*\* ARREST 006 \*\*\*\*\*

ARRESTED 05/31/1997 AGENCY CASE NO: 52689

AGENCY: NJ0040800 CAMDEN PD CAMDEN

OFFENSE DATE: 04/01/1997 VENUE: CAMDEN CITY

001 CNT 2C:11-3 MURDER

SUMMONS/WARRANT

PROMIS/GAVEL NO: CAM97003886-001

PAGE TO FOLLOW

SBI: 465486B

RECEIVING AGENCY: NJ004023A

DATE: 08/20/1999

PAGE 004

NO: W 19970057340408  
 AGENCY: NJ004071J

DISPOSITION DATE: 06/04/1999  
 MUNICIPAL COURT CAMDEN

DISPOSITION: DISMISSED  
 001 CNT: 2C:11-3

DEG: 0

MURDER

INDICTMENT/ACCUSATION  
 NO: CAM980702390A  
 AGENCY: NJ004023J

PROMIS/GAVEL NO: CAM97003886-001  
 DISPOSITION DATE: 07/20/1998  
 CAMDEN COUNTY SUPERIOR COURT

DISPOSITION: GUILTY  
 001 CNT: 2C:11-4A

DEG: 3

FELONY CONVICTION  
 AGGRAVATED MANSLAUGHTER

AGGREGATE SENTENCE      DATE: 06/04/1999  
      COURT: NJ004023J      CAMDEN COUNTY SUPERIOR COURT  
      CONFINEMENT      20Y      PAROLE INELG TRM 8Y  
      INCARCERATION: STATE PRISON      JAIL TIME CREDIT 794D  
      AMOUNT ASSESSED \$      3,874

\*\*\*\*\*  
 CUSTODY STATUS (AS TRACKED WITHIN NJ DOC OBCIS SYSTEM): 2

INMATE NUMBER: P222636      STATUS DATE: 06/19/1997  
 STATUS: INMATE  
 LOCATION: RIVERFRONT.....  
 PAROLE VIOLATIONS: 1      ESCAPES: 0      ISP: N

\*\*\*\*\*

#### CRIMINAL HISTORY DIVERSION PROGRAM AND FELONY CONVICTION SUMMARY

PRE-TRIAL INTERVENTION 000  
 CONDITIONAL DISCHARGE: 000  
 FELONY CONVICTIONS: 001  
 VIOLATION OF PROBATION: 000

WHEN A MISSING DISPOSITION IS REQUIRED, DO NOT CONTACT THE STATE BUREAU OF IDENTIFICATION(SBI). YOU MUST CONTACT THE AGENCY THAT FURNISHED THE PENDING DATA TO THE SBI. SHOULD YOU HAVE INFORMATION REGARDING AN UPDATE OR A CORRECTION TO THIS RECORD, PLEASE CONTACT THE SBI AT (609) 882-2000, EXTENSION 2902 OR 2899.

END OF CCH RECORD



NCIC-35712 08/20/99 1021

EL01HL3Z

7

NJ004103A

THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR  
RECORD REQUEST FOR FBI/88871JA0. INDIVIDUAL'S RECORD WILL BE  
COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES:  
PENNSYLVANIA - STATE ID/PA24043509

AN ADDITIONAL RECORD MAY BE OBTAINED FROM FILES WITHIN YOUR STATE.  
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NLET-24241 08/20/99 1028

CR.PAIII0000

07:21 08/20/1999 02393

07:28 08/20/1999 03474 NJ004103A

TXT

HDR/2L01HL3Z 01037

ATN/MICHELLE COREA

THE FOLLOWING RECORD PERTAINS TO SID/PA24043509

SP4-137B

PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY

1800 ELMERTON AVENUE HARRISBURG, PENNSYLVANIA 17110 717-787-9092

ATTN: MICHELLE COREA

ORI: NJ004103A

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-----  
USE OF THE FOLLOWING CRIMINAL HISTORY RECORD FOR \*\*\* SID/240-43-50-9 \*  
\*\*  
REGULATED BY ACT 47, AS AMENDED. \*\*\* III - MULTIPLE STATE OFFENDER \*\*\*

-----  
-----  
DOB: 01/09/1965 SEX: M RAC: B SOC: FBI: 88871JA0

-----  
-----  
NAME: MARTINEZ, JOSE

OTN: M705226-4

ARRESTED: 06/14/1996 PAPEP0000 PHILADELPHIA PD  
27068

OCA: C8

TED

CC2701	SIMPLE ASSAULT	DISPOSITION UNREPOR
CC0907	POSSESSING INSTRUMENT OF CRIME	
	- M1	
CC3925	RECEIVING STOLEN PROPERTY	
CC2702	AGGRAVATED ASSAULT	
CC0908	PROHIBITED OFFENSIVE WEAPONS	
	- M1	
CC6106	FIREARM CARRIED W/O A LICENSE	
	- M1	
CC6108	CARRYING FIREARMS IN PHILA - M1	
CC2705	RECKLESSLY ENDANGERING - M2	
CC0903	CRIMINAL CONSPIRACY	

+++++

+++++

F = FELONY, M = MISDEMEANOR, S = SUMMARY AND THE NUMERIC = THE DEGREE.

THIS RESPONSE IS BASED ON REQUESTER FURNISHED INFORMATION AND INCLUDES  
FINGERPRINT SUPPORTED DATA EXCLUSIVELY FROM THE FILES OF THE PENNSYLVANIA  
STATE POLICE REPOSITORY. IT DOES NOT PRECLUDE THE EXISTENCE OF OTHER  
CRIMINAL RECORDS CONTAINED IN THE REPOSITORIES OF OTHER LOCAL, STATE OR  
FEDERAL CRIMINAL JUSTICE AGENCIES.

END OF RECORD FOR SID 240-43-50-9